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sence in current discussions of the subject. The third chapter deals with a variety of subjects, including questions of nationality and citizenship, political and civil rights, and foreign and domestic commerce. The views advanced are, that the Filipinos born since annexation are citizens by virtue of the Fourteenth Amendment, having been born in the United States and subject to its jurisdiction; that those born before annexation are citizens duly naturalized by the Treaty of Paris; and that the clause requiring uniformity of duties throughout the United States includes the Philippines and Porto Rico.

In the fourth chapter, under the heading "The Governing of the Philippines," the constitutional powers of the President, both before and after the treaty, and of Congress, are considered. The view is expressed that the legislative acts of the President in the Philippines since the ratification of the treaty of annexation are illegal, constituting a usurpation of the powers of the Legislature by the executive. The reasoning upon this point is perhaps as unsatisfactory as any in the book. The same may be said of the summary disposal of the recent act of Congress vesting in the President, or rather in his appointees, all power of local government in the Philippines, it being characterized, without any satisfactory reason, as "a halting measure of doubtful legality."

Chapter five deals with the alienation of the Philippines, and is occupied chiefly with the discussions of policy previously referred to. The following twenty pages are devoted to an interesting discussion of the legal problems raised in connection with the present position of Cuba. An observation, which has, owing to developments in Cuba since the book was written, lost much of its practical importance, is that which points out that, should the United States desire to annex Cuba before recognizing the establishment of an independent government, the annexation could not be accomplished by treaty, inasmuch as there would be no State with which to make a treaty.

The book is equipped with an adequate index, and contains in an appendix the text of the joint resolution of Congress, the declaration of war against Spain, the protocol and treaty of peace, and a few select documents illustrating the principles acted upon by England, France and Germany in establishing protectorates.

Taken as a whole, the book does not satisfy the expectations aroused by its title, which hardly leads on to expect so one-sided a presentation of the subject. It is, nevertheless, a valuable and interesting contribution to the literature of these much-debated questions, and should not be neglected by any one who desires to familiarize himself with the arguments upon that side of the subject which the book presents.

REGISTERING TITLE TO LAND—A SERIES OF LECTURES DELIVERED AT YALE. By Jacques Dumas, LL.D. *Procureur de la Republique*, at Rethel, France. Chicago: Callaghan & Co. 1900. p. 106.

The title of this work is somewhat misleading. The subject is of such great present interest and concerns so many sides of civic

life that the reader, on approaching the book, might well expect that the various questions involved should be at least touched upon, if they could not be exhaustively treated in a work of this compass.

One of these is the political question, Whether it is properly a State function to increase the transferability of real estate and to manage the insurance funds, which is a necessary part of every sound system of land registration.

The recent extension of the socialistic end of the State might seem to remove this from the realm of discussion ; yet in the City of New York there are two private corporations that for several years have been performing this function to general satisfaction, and at probably little greater expense to the community than would be involved in the performance thereof by the State.

Another important political question is, whether the registration of land should be made compulsory or only permissive. While it is compulsory in Australia and Germany, in England, Massachusetts, Illinois and Ohio, it is permissive, thus indicating the practical solution of the question in England and the United States.

All of these questions are ignored by the writer, as well as the financial question regarding the proper management of the insurance fund.

It is true that he informs us (p. 85) that in Tunis "a contribution of 1 per cent. of the value of the registered property is paid into the fund"; in Ontario (p. 86) one-quarter of 1 per cent., and (p. 96) shows the losses in Australia and Tasmania during the year 1899; but isolated facts and figures of this nature convey nothing to the student, and cannot form the basis of any conclusion.

It is evident that the questions of municipal law that will arise upon the introduction of a system which by summary process divests legal and equitable titles to real estate and transfers them to an insurance fund, and bestows upon a certificate of title the quality of negotiability, must be numerous, complicated and interesting.

So must be the questions of criminal law, where, as in Massachusetts, the withholding of certain information from an unregistered encumbrancer or attachment creditor is made penal.

So are the many questions of administrative law relating to the creation, jurisdiction and procedure of land courts; yet only the administrative side of title registration is considered in this book, and that only in outline and without any attempt to elaborate details or to point out the distinct features of the system in various countries.

It is much to be regretted that the author ignores the registration systems of Massachusetts, Illinois and Ohio, although he discusses those of Tunis, the Canton of Vaud and Belgium, and devotes one-fifth of his book to a discussion of the registration system in France, only to inform us that no system of title registration exists in France, nor is likely to be established there.

The method pursued is the historical; there is no systematic

discussion of the subject whatever. The author commences with a consideration of the Roman system of land transfers and a discussion of its disadvantages. He then shows how these defects have been overcome in Roman law countries like Germany and Austria. He takes up the Australian system and regards it as a spontaneous production of the soil. That it was developed by economic conditions prevailing in Australia out of the English system of registration is not even hinted at. The English system of title registration under the Westbury Act and the Cairns Act, are then considered. It is in this chapter that the reader will find most ground for dissatisfaction. The author approaches the subject with the most fragmentary knowledge of the history of the law of real estate in England, and falls into the most ludicrous errors.

The interchange at will of the terms *mortgagee* and *mortgagor*, as on page 63, may be errors imputable to the printer; but this cannot be the case where, on page 69, the author compares mortgage with *hypothèque*, and points out that they differ in that the mortgagee goes into possession of the mortgaged premises, and that lien creditors of the hypothecary debtor may sell his interest in the land, follow it into whosever hand it may come, and have priority of lien according to priority of time of record; which rights the author intimates are lacking under our system.

On page 50, the author enters into a lengthy discussion of the reason why England had no record system prior to 1862, and finds it in the difference between a mortgage and *hypothèque*. He concludes that "a system intended to preserve priority among several creditors" is unnecessary where, as in England, only one creditor can be secured by mortgage, instead of several, as in France! On page 49, in referring to an estate tail which he seems to regard as still existing, with all its original characteristics, he says that the tenant in tail "may confer some of his rights or all of them on the heirs of his body, but he cannot contract with any one else."

He seems to believe that the Westbury Act of 1862 was the first statute regarding the record of deeds and mortgages. The Statute of Enrolments, 27 Henry VIII, Chapter 16, and similar statutes passed in the reign of Charles II, Anne and George II, have no existence for him.

The author hints (p. 39 *et seq.*) at the relation between the *cadaster* and the system of title registration in Germany; but he does not show why the *cadaster* was the parent of title registration in Germany, but not in France.

He states (p. 25) that one of the essential features of title registration is compulsion, but he gives us no reasons for this conclusion. It would be interesting to know then in view of the absence of compulsion in England and the American States where title registration prevails.

In view of the author being a Frenchman, it would, perhaps, be ungracious to refer to his style, which is involved and not idiomatic, to his misuse of technical terms and to the inexactness of his language. A brief bibliography of the subject will be found on pages 26 to 28.

The importance of the subject and the lack of time of practicing lawyers to examine the working of title registration in other countries, makes this book most timely. If it shall stir up popular interest and promote the discussion of the problems involved, it will have been of great value to the public at large and to the legal profession in particular.

CONFLICT OF LAWS, OR PRIVATE INTERNATIONAL LAW.—By Raleigh C. Minor, Professor of Law in the University of Virginia. Boston. Little, Brown & Co., 1901. pp. lii, 575.

Professor Minor's treatise has indisputable merits. It is based on an unusually thorough examination and analysis of the American decisions. It is well arranged, and it is clearly and concisely written. There is a refreshing absence of "straddle": the author does not attempt, as do so many writers, to bring conflicting theories into apparent harmony by devising a formula which contains everything and says nothing. He distinguishes, compares, makes his choice and gives his reasons for making it.

The author is at his best in his analysis of the various problems. In his treatment of contracts, for example, he separates questions of validity, of obligation, of interpretation and of discharge; and questions of validity receive a further subdivision. The matter of assignment of debts is properly treated in a different part of the book, under personal property, but without confusing choses in action with tangible movables.

Excellent, also, as I have already indicated, are his analysis and presentation of the theories held by writers and courts. An unfortunate exception, however, must be noted in his statement of the theories regarding the validity of a foreign divorce, when only one of the parties was within the actual jurisdiction of the State granting the divorce (§§ 91 *et seq.*). In an earlier section he alludes to the theory that divorce is of the nature of a proceeding *in rem* (the *res*, of course, being the matrimonial relation), but he notes only the older English theory, that the law of the place where the marriage was contracted must be looked to in order to determine on what grounds the marriage may be dissolved. He nowhere indicates the existence of a theory that the competent court is the court of the matrimonial domicile, and that the husband's domicile is presumably the matrimonial domicile. He deals, indeed, in an earlier section, with the constructive domicile of the wife; and, in § 50, he discusses the question whether the wife can establish a separate domicile for divorce proceedings, but he states her power to do this without sufficient limitation. Consequently when, in § 92, he presents (without approving) the theory that "jurisdiction over one party confers jurisdiction over the other also," he gives no hint that a divorce granted to the husband in the State of the previous joint domicile is likely to be regarded in other States with more favor than a divorce granted to the wife in a State where she has established a separate residence. The reviewer submits that the theory which is tending to become dominant in the United States, as it is already dominant in England, and which is